REMARKS

Claims 1-15 and 20-24 are pending in the application.

Claims 1-15 and 20-24 have been rejected.

Reconsideration of the Claims is respectfully requested.

I. REJECTION UNDER 35 U.S.C. § 102

Claims 1-3, 11, 13, 21 and 23 were rejected under 35 U.S.C. § 102(e) as being anticipated by Hiscock (US 6,721,787). The rejection is respectfully traversed.

A cited prior art reference anticipates the claimed invention under 35 U.S.C. § 102 only if every element of a claimed invention is identically shown in that single reference, arranged as they are in the claims. MPEP § 2131; *In re Bond*, 910 F.2d 831, 832, 15 U.S.P.Q.2d 1566, 1567 (Fed. Cir. 1990). Anticipation is only shown where each and every limitation of the claimed invention is found in a single cited prior art reference. MPEP § 2131; *In re Donohue*, 766 F.2d 531, 534, 226 U.S.P.Q. 619, 621 (Fed. Cir. 1985).

The Office Action rejection of these claims compares Applicant's wireless server and wireless client with the hot-sync server 10 and PDA 12 in Hiscock, respectively. The Office Action also argues that Hiscock discloses "software running in the server to allow exchanging packet data between the PDA and the server". See, Office Action, page 3. Applicant does not dispute that some communication software running in Hiscock's hot-sync server 10 allows the exchange of data with the PDA 12. However, Applicant's wireless server is capable of

executing a plurality of software application programs at the server. See, Specification, page 39. In distinct contrast, the hot-sync server 10 is used to mediate the exchange of sync packets for synchronizing a database stored in the PDA 12 with a database stored in a host system 14. The hot-sync server 10 is not executing a plurality of software application programs at the hot-sync-server 10. Accordingly, Hiscock fails to disclose a wireless server capable of executing a plurality of software application programs at the wireless server. Moreover, the hot-sync server 10 of Hiscock fails to disclose the generation of a plurality of data packets from the execution of one of the software application programs running on the server (for transmission to and processing by the wireless client).

Applicant's claims also recite that the wireless server "receives a data packet from the wireless client, extracts data from the received data packet, and associates the extracted data with one of the software applications" (emphasis underlining added). Hiscock fails to describe that the hot-sync server 10 associates extracted data (extracted from a data packet received from the wireless client) with one of the software application programs. Such association is simply not disclosed by Hiscock – as Hiscock's hot-sync server 10 at most functions for a single application – providing a sync channel for synchronizing data in a database.

Moreover, Applicant independent claims each recite that the wireless client is "configured to remotely access the software applications executed by the wireless server, and to process the data packets transmitted from the wireless server". Hiscock fails to disclose, teach or suggest this feature. Applicant notes that the Office Action does not appear to address

these features of Applicant's claims or where the Hiscock reference describes these features. As such, Applicant reiterates and refers to its prior response (see, page 9 of prior response) clearly pointing out that these features patentably distinguish over the Hiscock reference.

Accordingly, the Applicant respectfully requests the Examiner withdraw the § 102(e) rejection of Claims 1-3, 11, 13, 21 and 23.

II. REJECTION UNDER 35 U.S.C. § 103

Claims 4-5 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Hiscock (US 6,721,787) in view of Haartsen (US 6,590,928). Claims 6-7 and 14-15 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Hiscock (US 6,721,787) in view of Treyz (US 6,678,215). Claims 8, 22 and 24 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Hiscock (US 6,721,787) in view of Jones (US 6,108,314). Claim 9 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Hiscock (US 6,721,787) in view of Callaway (US 6,711,380). Claim 10 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Hiscock (US 6,721,787) in view of McLard ("Unleashed: Web Tablet Integration into the Home", ACM, April 2000). Claim 12 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Hiscock (US 6,721,787) in view of Nevo (US 6,600,726). Claim 20 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Hiscock (US 6,721,787) in view of Thompson (US 6,484,011).

These rejections are respectfully traversed.

In *ex parte* examination of patent applications, the Patent Office bears the burden of establishing a *prima facie* case of obviousness. MPEP § 2142; *In re Fritch*, 972 F.2d 1260, 1262, 23 U.S.P.Q.2d 1780, 1783 (Fed. Cir. 1992). The initial burden of establishing a *prima facie* basis to deny patentability to a claimed invention is always upon the Patent Office. MPEP § 2142; *In re Oetiker*, 977 F.2d 1443, 1445, 24 U.S.P.Q.2d 1443, 1444 (Fed. Cir. 1992); *In re Piasecki*, 745 F.2d 1468, 1472, 223 U.S.P.Q. 785, 788 (Fed. Cir. 1984). Only when a *prima facie* case of obviousness is established does the burden shift to the applicant to produce evidence of nonobviousness. MPEP § 2142; *In re Oetiker*, 977 F.2d 1443, 1445, 24 U.S.P.Q.2d 1443, 1444 (Fed. Cir. 1992); *In re Rijckaert*, 9 F.3d 1531, 1532, 28 U.S.P.Q.2d 1955, 1956 (Fed. Cir. 1993). If the Patent Office does not produce a *prima facie* case of unpatentability, then without more the applicant is entitled to grant of a patent. *In re Oetiker*, 977 F.2d 1443, 1445, 24 U.S.P.Q.2d 1443, 1444 (Fed. Cir. 1992); *In re Grabiak*, 769 F.2d 729, 733, 226 U.S.P.Q. 870, 873 (Fed. Cir. 1985).

A *prima facie* case of obviousness is established when the teachings of the prior art itself suggest the claimed subject matter to a person of ordinary skill in the art. *In re Bell*, 991 F.2d 781, 783, 26 U.S.P.Q.2d 1529, 1531 (Fed. Cir. 1993). To establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references

when combined) must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed invention and the reasonable expectation of success must both be found in the prior art, and not based on applicant's disclosure. MPEP § 2142.

As described above with respect to the 102 rejection of the independent claims, Hiscock fails to disclose each and every element/feature recited in Applicant's claims. Each of the other cited references fails to cure the noted deficiencies in Hiscock, and further, each of the proposed combinations of references fails to teach or suggest all of the Applicant's claim elements/features arranged as they are in the claims.

Accordingly, the Applicant respectfully requests withdrawal of the § 103(a) rejections of Claims 4-10, 12, 14-15, 20, 22 and 24.

III. CONCLUSION

As a result of the foregoing, the Applicant asserts that the remaining Claims in the Application are in condition for allowance, and respectfully requests an early allowance of such Claims.

If any issues arise, or if the Examiner has any suggestions for expediting allowance of this Application, the Applicant respectfully invites the Examiner to contact the undersigned at the telephone number indicated below or at *rmccutcheon@davismunck.com*.

The Commissioner is hereby authorized to charge any additional fees connected with this communication or credit any overpayment to Davis Munck Deposit Account No. 50-0208.

Respectfully submitted,

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